

Remarks:

Regarding the specification:

With this paper, Applicant amends the Abstract in accordance with Examiner's remarks in section 1 of the Office action of 30 March 2007.

Regarding claim rejections under 35 USC 103:

Applicant's claims 1-4 and 6-7 stand rejected under 35 USC 103(a) over Whinnett (6,317,411) in view of Seshadri (2002/0090035). Applicant's claims 1, 6, and 7 are independent; claims 2-4 depend on claim 1.

It is important to note that Applicant's claims 1, 6, and 7 comprise the use of codes based on relative values of amplitude intensities of a first wave with a first polarization and a second wave with a second polarization, wherein the first and second polarizations are different. Claims 1, 6, and 7 are amended with this paper to more clearly point out this aspect of the invention.

Whinnett and Seshadri, alone or in combination, do not teach or suggest the use of codes based on relative values of amplitude intensities of a first wave with a first polarization and a second wave with a second (different) polarization. Indeed, neither the term "polarization" nor any related term appears in these references. More generally, Whinnett and Seshadri, taken alone or taken in combination, are completely silent regarding this aspect of Applicant's invention. For at least these reasons, Applicant respectfully requests that Examiner allow claims 1, 6, and 7 as amended here. Claims 2, 3, and 4 depend on claim 1, so Applicant respectfully asks that claims 2, 3, and 4 therefore also be allowed.

Regarding claim rejections under 35 USC 102:

Applicant's independent claim 5 stands rejected under 35 USC 102(b) as being anticipated by Whinnett (6,317,411).

It is important to note that Applicant's claim 5 comprises a code data assigner which assigns codes corresponding to data to be transmitted, based on relative values of amplitude intensities of first and second polarized waves, wherein the first and second polarizations are different.

Whinnett does not teach or suggest the use of a code data assigner which assigns codes corresponding to data to be transmitted, based on relative values of amplitude intensities of first and second polarized waves. Indeed, neither the term "polarized" nor any related term appears in Whinnett. More generally, Whinnett is completely silent regarding this teaching and limitation of Applicant's invention. For at least these reasons, Applicant respectfully holds that a proper *prima facie* rejection of Applicant's independent claim 5 has not been established, and respectfully requests that Examiner withdraw this rejection.

Summary:

For at least the aforementioned reasons, Applicant respectfully holds that claims 1-7 as amended here are now allowable, and respectfully asks Examiner to allow these claims. Applicant sincerely thanks Examiner, and requests that the application now pass to issue.

Respectfully submitted,

By: 

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